

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,540
)
Appeal of)

The petitioner appeals a decision of the Department for Children and Families, Economic Services, (DCF) terminating her daughter from the Medicaid program because she turned twenty-one.

1. The petitioner is a disabled woman who works part-time and who supports her daughter who is a college student. The petitioner receives Medicaid as a disabled person and her daughter receives Medicaid as an ANFC-related dependent.

2. On September 13, 2004, the petitioner's daughter turned twenty-one. On January 19, 2005, DCF notified the petitioner that her daughter was no longer eligible for Medicaid due to her age and would be rolled over to the VHAP program on February 1, 2005.

3. The petitioner appealed this decision because as a college student her daughter is still dependent on her. Her daughter is expected to graduate in June of 2006 and relies

on loans and grants to get through college. She says that her daughter cannot afford to pay any premiums which may be assessed against her in the VHAP program.

ORDER

The decision of DCF is affirmed.

REASONS

The Medicaid program requires not only "financial" eligibility but also "categorical" eligibility which can be met if an individual is either SSI-related (elderly, disabled or blind, M200) or is ANFC-related (under age 21, pregnant or has a dependent child, M300).

The petitioner's daughter met the "categorical" requirement previously because she was "under age 21". Since her birthday in September of 2004, she no longer meets that requirement and has not claimed that she falls into any other category listed above. As such, DCF was correct under its regulations to terminate her Medicaid and the Board is bound to uphold the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

The petitioner was advised at the hearing that the enrollment of her daughter in the VHAP program may have been erroneous because of her student status. DCF said it would

look into that matter and issue a notice regarding her continued eligibility under that program. The petitioner was advised that she has a right to appeal and be heard on any decision DCF might make with regard to her daughter's VHAP eligibility.

#